

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH JOHN,

Plaintiff,

v.

Z. HUGHES,

Defendant.

Case No. 2:20-cv-00984-JAM-JDP (PC)

ORDER TO SHOW CAUSE WHY THIS  
CASE SHOULD NOT BE DISMISSED FOR  
FAILURE TO PROSECUTE AND FAILURE  
TO COMPLY WITH LOCAL RULES

ECF No. 32

RESPONSE DUE WITHIN TWENTY-ONE  
DAYS

On March 3, 2022, defendant filed a motion to modify the scheduling order, to compel plaintiff to provide responses to discovery requests, and to deem admitted defendant's request for admissions. ECF No. 32. To date, plaintiff has not filed an opposition or statement of non-opposition to the motion.

In cases where a party is incarcerated and proceeding without counsel, a responding party is required to file an opposition or statement of non-opposition not more twenty-one days after the date the motion is served. E.D. Cal. L.R. 230(l). Failure "to file an opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions." *Id.*

To manage its docket effectively, the court imposes deadlines on litigants and requires litigants to meet those deadlines. The court may dismiss a case for plaintiff's failure to prosecute

1 or failure to comply with its orders or local rules. *See* Fed. R. Civ. P. 41(b); *Hells Canyon Pres.*  
2 *Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439,  
3 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to  
4 administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v.*  
5 *Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

6 Plaintiff will be given a chance to explain why the court should not dismiss the case for  
7 his failure to prosecute and failure to comply with the court's local rules. Accordingly, plaintiff is  
8 ordered to show cause within twenty-one days why this case should not be dismissed for failure  
9 to prosecute and failure to comply with the local rules. Should plaintiff wish to continue with this  
10 lawsuit, plaintiff shall, within twenty-one days, file an opposition or statement of non-opposition  
11 to defendant's motion.<sup>1</sup> Failure to comply with this order will result in a recommendation that  
12 this action be dismissed.

13  
14 IT IS SO ORDERED.

15 Dated: June 14, 2022

16   
17 JEREMY D. PETERSON  
18 UNITED STATES MAGISTRATE JUDGE  
19  
20  
21  
22  
23  
24  
25  
26

27 <sup>1</sup> On June 2, 2022, defendant filed a motion for summary judgment. ECF No. 33.  
28 Plaintiff is reminded that he is required to file an opposition or statement of non-opposition to that  
motion by no later than June 23, 2022. *See* E.D. Cal. L.R. 230(l).